



THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report

**To:** Chair and Planning Board Members

**Through:** Katie P. Halloran, Planning Director

**From:** Scarlet Hammons, AICP, The Corradino Group

**Meeting Date:** April 20, 2023

**Agenda Item:** **Conditional Use – 1905 Staples Avenue (RE# 00046930-000000):** A request for conditional use approval to allow a single-family residence, located in the Limited Commercial (CL) Zoning District, pursuant to Sections 122-61, 122-62 and 122-388(1) of the City of Key West Land Development Regulations.

**Request:** To allow for a new three-story home to be built on a vacant lot.

**Applicant:** Trepanier and Associates, Inc.

**Property Owners:** KW Empire, LLC

**Location:** 1905 Staples Avenue (RE# 00046930-000000):

**Zoning:** Limited Commercial (CL)

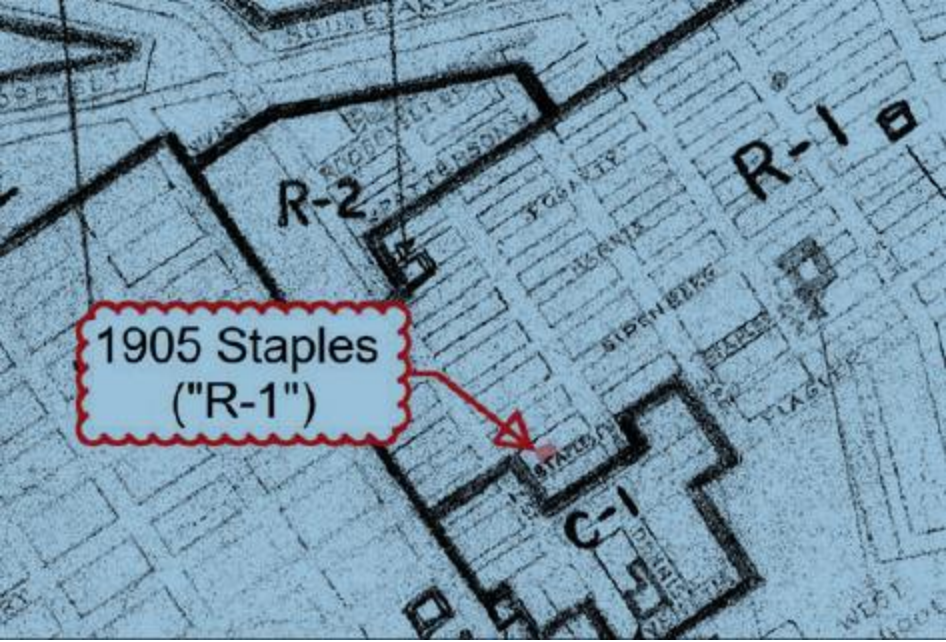


Pictures of the existing vacant lot with surrounding land-uses identified

**Background:**

*This item was originally noticed for the January 19, 2023, Planning Board meeting. Since the item was postponed last month, the applicant has revised their application and unit and this staff report has been revised accordingly. Planning staff appreciate the applicant's efforts to address concerns outlined in the previous report.*

The subject property is located at 1905 Staples Avenue near the corner of First Street. The lot has been in this current condition at least since 1982, per the deed. As depicted on the 1974 Key West zoning map, the property was previously zoned R-1, which allowed single-family homes by right. When the City updated the zoning map in 1986, this property was rezoned to Limited Commercial (CL) which states that single-family dwellings are conditional uses in this zoning district and shall be reviewed through certain criteria in Land Development Regulations Section 122-62.



The lot is approximately 50' X 51' or 2,550 square feet, and is the result of multiple subdivisions along this block of Staples Avenue. The minimum lot size in the Limited Commercial zoning district is 10,000 square feet with minimum width of 70 ft and minimum depth of 100", so this property is approximately ¼ the minimum legal lot size for this zoning district. In 1969 the entire property known as 1905 Staples Avenue was owned together with its adjacent properties known as 1411 First Street and 1415 First Street. At that time the minimum lot size was the same as it is today and the code did not allow for lot splits which created unconforming lots. In 1972, the northern portion of the lot was separated as 1411 First



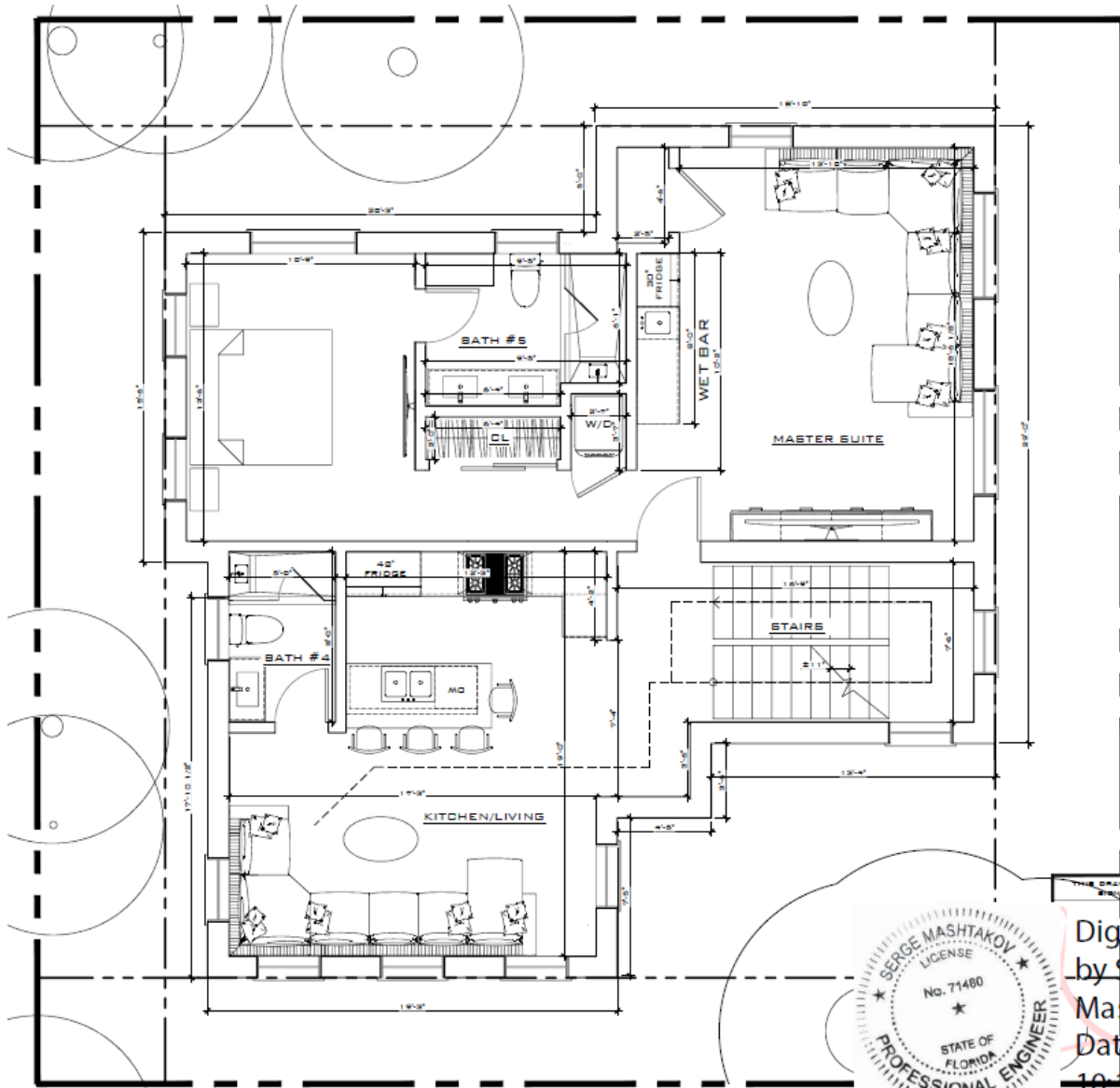
Street, and in 1982, 1415 First Street was separated, leaving the remainder lot of 1905 Staples Avenue as it exists today illegally split into a non-conforming lot. The property has remained vacant with no structures since it was last divided, however the owner is currently using the site to store construction vehicles and tools. There are six mature mahogany trees and a strangler fig on the property today. The current property owner purchased the site in late 2021, according to the Monroe County Property Appraiser. The property was awarded one BPAS unit in 2021.

**Request:**

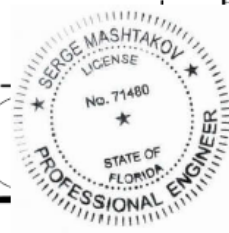
This application is a request for conditional use approval to construct one single-family structure designed for roommates. Pursuant to Sec. 122-388, single-family homes require conditional use approval in the Limited Commercial zoning district. The project is also requesting variances in a companion application. The site is located in the AE7 flood zone, and proposes to have all habitable living areas beginning on the second level with a carport and storage on the first level. The carport would provide for four tandem parking spaces and an additional four bicycle spaces in the storage area.

The house as proposed is 4 bedrooms and 5 bathrooms with culinary facilities (wet bars and refrigerators, etc.) located within each of the suites, including a master suite with master suite living area and wet bar on the second floor. There is a common living area with a full kitchen and a 5<sup>th</sup> separate bathroom also on the second floor. Each third floor bedroom has ensuite bathrooms and wet bars, allowing for each room to be an independent living quarter. The property owner has stated that the structure is being proposed to house employees for his business.

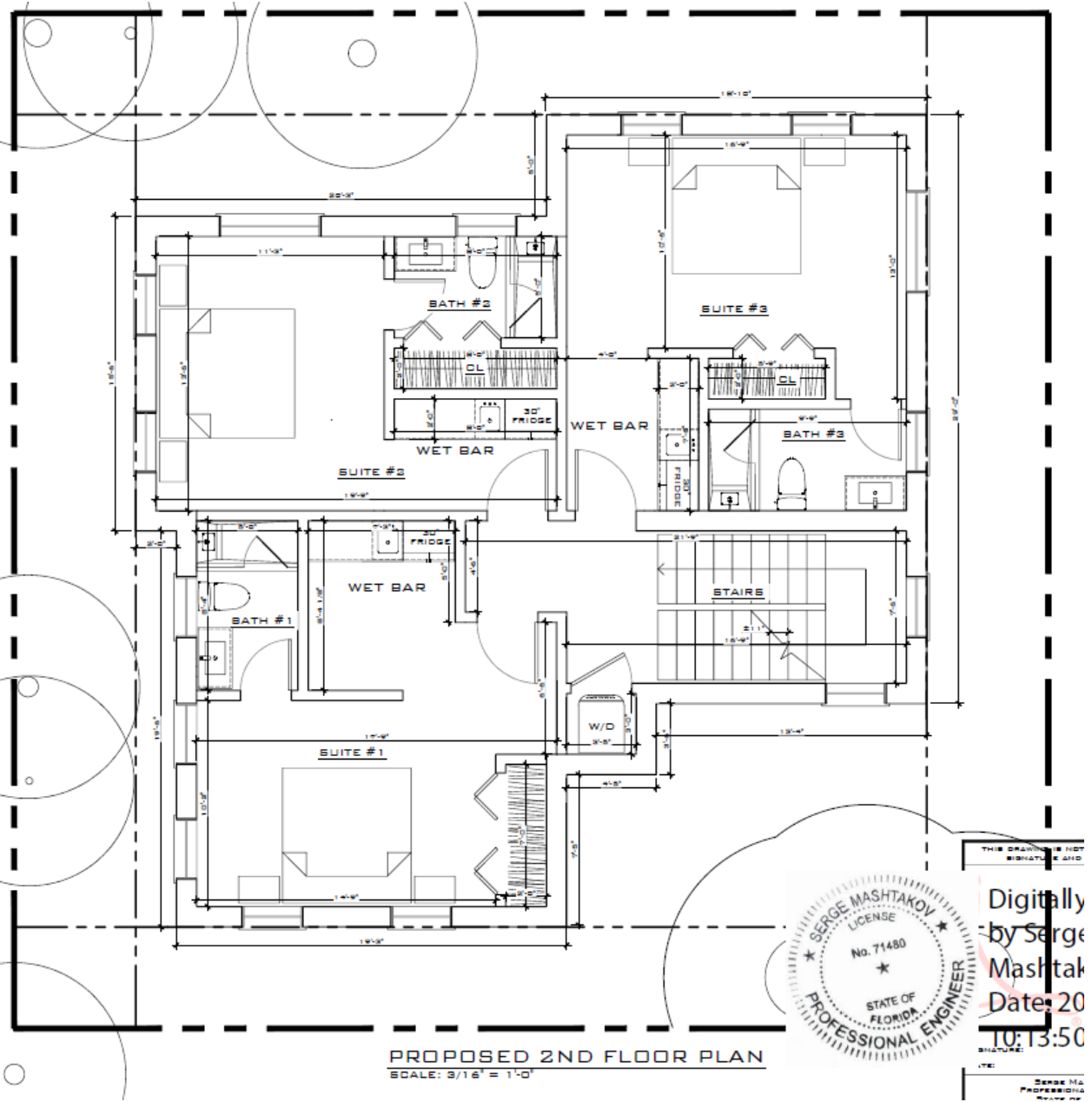




**PROPOSED 1ST FLOOR PLAN**  
 SCALE: 3/16" = 1'-0"



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**Surrounding Zoning and Uses:**  
**North:** CL, low impact commercial shops  
**South:** SR-2, single-family home  
**East:** SR-2, single-family home  
**West:** CL, low impact commercial shops

**Process:**

**Development Review Committee:** October 27, 2022  
**Planning Board:** April 20, 2023  
**Local Appeal Period:** 10 days  
**DEO Review:** Up to 45 days

**Conditional Use Review:** The purpose of conditional use review, pursuant to City Code Section 122-61, is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. City Code Chapter 122, Article III sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

**Conditional Use Specific Criteria pursuant to Code Section 122-62:**

*(a) Findings*

Code Section 122-62(a) provides, in part, that “a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and/or the City Commission during a review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations.” This section also specifies that “a conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is averse to the public’s interest.”

*(b) Characteristics of Use*

Single family and multiple family residential uses are both conditional uses in the CL zoning district. The CL zoning district is for limited commercial land uses with maximum gross floor area not exceeding 5,000 SF, including total area both under roof and outside sales area, and which shall include shops catering primarily to the following markets:

1. Neighborhood residential markets within the immediate vicinity as opposed to citywide or regional markets;
2. Specialized markets with customized market demands; or
3. Tourist-oriented markets in the immediate vicinity.

The CL designation shall not accommodate transient residential uses, including motels or hotels and conversions from permanent residential use to transient residential use.

**(1) Scale and intensity of the proposed conditional use as measured by the following:**

**a. Floor area ratio (FAR):** Not applicable to residential development.

**b. Traffic generation:** A single-family home would generate 10 vehicle trips per day as stated in the Institute of Transportation Engineers Manual.

**c. Square feet of enclosed space for each specific use:** The proposed home is approximately 2,240 square feet. No other space is proposed as part of this application.

**d. Proposed employment:** N/A



**e. Proposed number and type of service vehicles:** There are no proposed service vehicles.

**f. Off-street parking needs:** the code requires two spaces per dwelling unit, the project proposes two sets of tandem parking spaces in a carport for a total of four. Given that the building will function to house multiple roommates, more than two personal vehicles are expected, which could have a spill-over effect on the surrounding neighbors.

**(2) On- or off-site improvement needs generated by the proposed conditional use and not identified above including the following:**

**a. Utilities:** The property has adequate utilities to support the proposed use.

**b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94:** None expected. Compliance with building codes and life safety codes would be required prior to building permit issuance.

**c. Roadway or signalization improvements, or other similar improvements:** None.

**d. Accessory structures or facilities:** None.

**e. Other unique facilities/structures proposed as part of site improvements:** None proposed.

**(3) On-site amenities proposed to enhance site and planned improvements, including mitigative techniques such as:**

**a. Open space:** Residential uses shall provide a minimum of 35% open space (893 square feet); the project is proposing 48.9% open space (1,248 square feet).

**b. Setbacks from adjacent properties:** The site does not meet the required setbacks for front, rear or either side. Variances are requested as part of a companion application to this approval.

**c. Screening and buffers:** Appropriate screening is existing and proposed for the site, which is adjacent to low impact commercial uses and requires a buffer yard "C".

**d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites:** No landscape berms are required or proposed as part of this development.

**e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts:** There is no expected excessive noise, odor, heat, or smoke from the home. Light from the second and third levels may be visible to neighboring properties. Landscaping is proposed to mitigate this potential impact. As stated, impacts to on-street parking are expected due to the proposed number of bedrooms and the expected number of personal vehicles.

**(c) Criteria for conditional use review and approval**

Pursuant to City Code Section 122-62(c), applications for a conditional use shall clearly demonstrate the following:

- (1) Land use compatibility:** The conditional use for a new home is partially compatible with the surrounding area in that the neighborhood contains many other single-family homes on this same block and some multi-family structures in the neighborhood. The majority of the neighborhood consists of one-story buildings, and there are no three-story buildings. The proposed scale is not consistent with the immediate neighborhood. The lack of adequate parking for 4 bedrooms would not be compatible with the surrounding uses in that if all suites have 1-2 occupants with cars or trucks there would be a need for some occupants to park on the street. The benefit of this location is that the City does consider Staples Avenue to be a “bicycle greenway” and is working toward planting more trees, and adding wayfinding to further encourage bicycle transportation in lieu of single occupancy vehicle use. The property owner, however, has not stated that tenants will not have personal vehicles.
- (2) Enough site size, adequate site specifications and infrastructure to accommodate the proposed use:** The size and shape of the site are not adequate to accommodate the proposed scale and intensity of the conditional use requested. There are multiple variances requested to accommodate this proposed home due to the small size of the lot. As noted above, on-site parking will not be adequate if all tenants have personal vehicles.
- (3) Proper use of mitigative techniques:** At this time some mitigative techniques have been proposed through the conditions, to help prevent potential adverse off-site impacts such as parking of additional personal vehicles in the neighborhood.
- (4) Hazardous waste:** None expected or anticipated.
- (5) Compliance with applicable laws and ordinances:** As a single-family unit, the use will comply with all applicable laws and regulations that would be required
- (6) Additional criteria applicable to specific land uses:** Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:

  - a. Land uses within a conservation area:** The site is not located in a conservation area.
  - b. Residential development:** The project, as proposed by the applicant is one single-family home on an existing vacant parcel. As a building with the potential for multiple roommates, there is potential for adverse impacts, including spill-over parking into the surrounding neighborhood. There are no existing three story buildings in the immediate neighborhood, and the proposed mass and scale of the building would be somewhat out of character. The land use would be compatible, as there are other single-family homes on this street. No mitigative measures or site design amenities have been proposed, except that the applicant has said they will retain the mature on-site trees. The applicant is seeking multiple variances due to the size of the proposed home on an undersized parcel.
  - c. Commercial or mixed-use development:** The proposed use is partially compatible with similar uses within this zoning district as well as district regulations.
  - d. Development within or adjacent to historic district:** The conditional use application is not within the historic district.

- e. **Public facilities or institutional development:** No development of public facilities or institutions are proposed.
- f. **Commercial structures use and related activities within tidal waters:** The site is not located within tidal areas.
- g. **Adult entertainment establishments:** No adult entertainment is being proposed

**RECOMMENDATION:**

The Planning Department has determined that this remainder parcel did not meet the minimum size requirements of the zoning code when it was created; it remains a nonconforming lot today. Therefore, the approval of a use that is conditional in this zoning district is not recommended given the multiple variances requested, neighbor opposition to the use and potential parking impact, and the nonconforming lot size. The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Conditional Use be **Denied**.

If the Planning Board chooses to approve the Conditional Use, the Planning Department recommends the following conditions:

**General conditions:**

1. The proposed construction shall be consistent with the plans, signed, sealed and dated 2/15/2023 by Artibus Design for 1905 Staples Avenue.
1. Consistent with City Code, commercial vehicles shall not be parked in the right of way. There shall be no parking in the open space in the front yard outside of the covered carport.
2. The dwelling is a single-family home associated with a single BPAS unit and shall only be leased and/or occupied in a manner consistent with the codified definition of “family”.

**Conditions prior to obtaining a Building Permit:**

3. Solid waste and recycle service will need to be set up through Waste Management.
4. The swale retention shall be 106 cubic feet. Swale scale and locations should be adjusted and/or reduced in coordination with the Urban Forestry Manager and City Utilities to avoid impact to tree roots.
5. Plans for construction must contain best management practices details for soil erosion and sediment control, and location for concrete truck wash-out.
6. Installation of a new sewer cleanout must be coordinated through the City Utilities Department.
7. A final landscape plan will be reviewed and approved by the Urban Forestry Manager. Foundations and structures shall be designed to avoid regulated tree root damage and to avoid future conflicts between the structure and the trees on-site.
8. Four covered bike/scooter parking spaces shall be added to the plans.

**Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:**

9. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance Department shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.

10. The required landscape buffer shall be planted, inspected and approved by the Urban Forestry Manager.